

Chapter 6 ANIMALS*

***Cross reference(s)**--Environment, ch. 26; health and sanitation, ch. 34.

State law reference(s)--Animal control ordinances, MCL 287.290; Dogs Law of 1919, MCL 287.261 et seq.; dangerous animals, MCL 287.321 et seq.

Sec. 6-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal control authority means the county and the city and their designated officers. The licensing authority and the animal control authority may be, but are not necessarily, the same entity.

Animal control shelter means a facility operated by the county and, in addition, if designated and contracted, other facilities under contract with the city for the impoundment and care of animals that are found in the streets or at large, animals that are otherwise held due to the violation of a municipal ordinance, county ordinance or state law, or animals that are surrendered to the animal control shelter.

Control means having an animal in confinement as described or required by this chapter, or secured on a leash no greater than six feet in length and of sufficient strength to confine the animal, or in certain cases where specified in this chapter, a shorter leash. The term "control" shall not mean allowing an animal to go unleashed outside of its confinement or pen, without complete control of the owner or handler. The term "control" may mean controlling an unleashed dog except for a dangerous dog. Any person purporting to control an animal without a leash outside of its confinement bears the burden of proof that the animal was not running loose.

Dangerous animal means any and all of the following:

- (1) Any mammal, amphibian, reptile, or fowl of a species which, due to size, vicious nature or other characteristic, would constitute a danger to human life, physical well-being or property, including but not limited to lions, tigers, leopards, panthers, bears, wolves or wolf hybrids, apes, gorillas, monkeys of a species with an average adult weigh in excess of 20 pounds, foxes, elephants, alligators, crocodiles and snakes which are poisonous or otherwise present a risk of physical harm or death to human beings as a result of their nature or physical makeup, including all constrictors.
- (2) Any dog or cat having a disposition or propensity to attack or bite any person or animal without provocation.
- (3) Any pit bull dog. The term "pit bull dog" means any dog of one of the breeds known as Staffordshire Bull Terrier, American Staffordshire Bull Terrier, or American Pit Bull Terrier, or any dog with the appearance and characteristics of being predominantly of any one of such breeds, or

combination thereof, or in combination with other breeds.

Handler means any person having control of an animal, whether or not by the consent or direction of the owner.

Impound means to place any animal in the custody or control of an animal control shelter.

Licensing authority means the county, in accordance with state law and county ordinance, or, for cats, under contract with the city as appropriate, and in addition for cats, the city.

Livestock means horses, cows, swine, sheep, goats, or any hooved animal.

Owner means a person having the custody of an animal or who keeps or harbors an animal, a person having the authority of the owner to be the handler of the animal, or a person who knowingly permits an animal to remain on or about any premises occupied by that person.

Poultry includes chicken, ducks, geese, pheasants, or other fowl of a type normally used for food or egg production.

Restraint. A dog or cat shall be considered under restraint if it is within the real property limits of its owner or secured by a leash or lead or under the control of a responsible person. Any other animal is considered restrained only if it is effectively prevented from escape by appropriate means.

Wild animal means any living member of the animal kingdom, including those born or raised in captivity, except the following:

- (1) Domestic dogs (excluding hybrids with wolves, coyotes, or jackals).
- (2) Domestic cats (excluding hybrids with ocelots or margays).
- (3) Ferrets.
- (4) Rodents.
- (5) Captive-bred species of common cage birds.

(Ord. No. 2064, § 3.2, 12-11-2001)

Cross reference(s)--Definitions generally, § 1-2.

Sec. 6-2. Penalties.

Any person violating this chapter shall be subject to one or more of the following penalties as applicable:

- (1) Any person violating section 6-15 involving dangerous dogs shall be guilty of a misdemeanor.
- (2) Any person violating any other prohibition of this chapter shall be responsible for a civil infraction. The schedule of fines for civil infractions is set forth in section 2-204.
- (3) All persons found in violation shall be subject to further injunctive or other equitable relief as the city may determine to pursue, including destruction

of the animal in question.

(Ord. No. 2064, § 3.16, 12-11-2001)

Sec. 6-3. Fees for cat licensing and impounding.

Fees for cat licensing and impounding shall be determined by the city commission by resolution.

(Ord. No. 2064, § 3.17, 12-11-2001)

Sec. 6-4. Responsibilities; authority.

- (a) It is determined by the city that ownership of an animal is a privilege which carries with it responsibilities to the city and all persons therein with regard to the care, custody, and handling of the animal.
- (b) This chapter shall not be construed to limit or substitute for the authority or functions of the county animal control shelter or animal control department.
- (c) The regulations set forth in this chapter are supplemental to and not in substitution of the county animal control department, any county ordinance related thereto or the state law regarding county animal control.
- (d) The provisions of this chapter shall be construed to impose the primary responsibility for compliance with its provisions on the owner, or on any person in control or the ostensible control of any animal. Both the owner and the handler shall be responsible jointly and severally for the actions of any animal and any violations of this chapter. Except as provided in this chapter, no animal may be kept or handled in the city.
- (e) The provisions of this chapter shall be construed to impose the primary responsibility for compliance with its provisions on the owner, the handler, or on any other person in control of the animal. No animal of any kind shall be kept in the city or be present in the city in violation of the provisions of this chapter.

(Ord. No. 2064, §§ 3.0, 3.1, 3.3, 12-11-2001)

Sec. 6-5. Owner responsibility.

- (a) All dogs and cats shall be kept under restraint. Dogs or cats shall not be permitted to be at large in the city.
- (b) Every vicious dog or cat, as determined by a police officer or the animal control authority, shall be confined by its owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of its owner.
- (c) The owner of every dog or cat shall be held responsible for every behavior or such dog or cat under the provisions of this chapter.
- (d) Fecal matter shall be collected and removed from the area where the animal is harbored or kept.

(Ord. No. 2064, § 3.9, 12-11-2001)

Sec. 6-6. Interference; authority of police and animal control officers.

- (a) No person shall interfere with, oppose, hinder, or molest any agent of the animal control authority in the performance of any duty as provided in this chapter.
- (b) If seizure and impoundment of a dangerous animal is not possible without risk of serious physical harm or death to any person, the animal may be killed by a police officer or animal control officer at the time of seizure or impoundment.

(Ord. No. 2064, § 3.7, 12-11-2001)

Sec. 6-7. Impoundment.

- (a) Impoundment shall occur, where authorized by this chapter, at the county animal shelter or at an animal control shelter or other designated contracted facility registered under Public Act No. 2879 of 1969 (MCL 287.331 et seq.) to provide services to include impounding of animals delivered to the shelter by authority of the city or the county. A contract with an animal control shelter may include shelters in addition to the county animal shelter for services, impoundment, confinement or other functions which the county elects not to perform or is unable to perform. The services and functions of the animal control shelter are governed by state law and county ordinance, if any.
- (b) Any animal control shelter in which an animal is impounded shall carry on release, treatment, adoption or disposal of animals in accordance with the requirements of state law. No dog or cat shall be released for adoption to any person without being neutered. If the animal is too young to neuter at the time of adoption, the fee shall be paid for services, which shall be performed at a later date.

(Ord. No. 2064, § 3.6, 12-11-2001)

Sec. 6-8. Licensing; rabies vaccination.

- (a) No person shall own, keep, or harbor any dog or cat over four months of age within the city unless such dog or cat is vaccinated and licensed, as required by state law, county ordinance or both. The provisions of this section do not apply to animals owned by a licensed research facility or held in a veterinary medical facility or government operated or licensed animal shelter.
- (b) All dogs and cats shall be vaccinated against rabies, and certified as so vaccinated, as required by state law or county ordinance or both.
- (c) All dogs and cats kept in the city shall be licensed in accordance with state law. If no state law requires cats to be licensed, cats shall be licensed by the city or, if designated by the city, the county on the city's behalf. Licensing requirements and procedures shall be as follows:
 - (1) Application for a license must be made within 30 days after obtaining a cat over four months of age, except that this requirement will not apply to a nonresident keeping a cat within the city for no longer than 60 days.
 - (2) Written application for a cat license shall be made to the licensing authority and shall include the name and address of the owner and the name, breed, color, age and sex of the cat. Applicants also shall pay the

prescribed licensing fee and provide proof of current rabies vaccination.

- (3) The licensing period shall be for one year. License renewal may be applied for within 60 days prior to the expiration date. New residents may apply for a license within 30 days of establishing residence.
- (4) Upon acceptance of the license application and fee, the licensing authority shall issue a durable license tag including an identifying number, year of issuance, city, county, and state. Both rabies and license tags must be attached to the collar of the cat. Tags must be worn at all times and are not transferable. The licensing authority shall maintain a record of all licenses issued. Owners of cats within the city limits of the city may opt to use a microchip identification implanted under the cat's skin. Any cat found within city limits without a required collar or harness and tag, or without required identification, or running loose, unconfined, situated or kept in violation of this chapter, shall be subject to impoundment.

(Ord. No. 2064, § 3.5, 12-11-2001)

Sec. 6-9. General prohibitions.

The following actions or failures to act shall constitute a violation of this chapter, in addition to other prohibitions or violations found in this chapter.

- (1) Training an animal to engage in vicious behavior.
- (2) Training any animal for fighting or contests with other animals; carrying on, promoting or being present at such a fighting event between animals.
- (3) Cruelty to any animal or poisoning an animal.
- (4) Molesting small wild animals, birds or birds' nests.
- (5) Allowing an animal to constitute a nuisance to surrounding properties or other persons in the vicinity.
- (6) Harboring or keeping any dog which commits frequent or habitual barking, yelping or howling.
- (7) Having a dog on any beach in the city, even if controlled, except for a blind person controlling a guide dog at any time, and except during the months of October--March, or except as allowed by park rules promulgated from time to time by the city.
- (8) Engaging in the feeding of stray cats.

(Ord. No. 2064, § 3.14, 12-11-2001)

Sec. 6-10. Trapping.

- (a) Any person trapping cats within the city limit shall notify the city and post notice in the vicinity of trapping to alert residents trapping will occur.
- (b) Traps shall be properly constructed and used to prevent animals from being in the traps for prolonged periods. Animals trapped in the city shall be promptly brought to an animal shelter for appropriate care.

(Ord. No. 2064, §§ 3.8.1, 3.8.2, 12-11-2001)

Sec. 6-11. Abandonment.

Abandonment of animals is prohibited within the city.

(Ord. No. 2064, § 3.8.3, 12-11-2001)

Sec. 6-12. Animals running loose.

All animals, whether dangerous or not, shall be subject to the following:

- (1) No person shall allow an animal to run loose or be unconfined in the city.
- (2) If an animal is upon the premises of the owner, the animal shall be effectively confined as provided in this chapter.
- (3) No dog shall be allowed to run on any beach, except a dog completely controlled by a person during the months of October--March, or as permitted by park rules promulgated by the city from time to time.
- (4) No unrestrained, unleashed or uncontrolled dog shall be allowed in any park.

(Ord. No. 2064, § 3.13, 12-11-2001)

Sec. 6-13. Removal of animal excrement.

- (a) It shall be unlawful for any person to appear with any animal on public property or the private property of another, unless that person has in his possession an appropriate device for removal of animal excrement.
- (b) It shall be unlawful for any person to allow any animal to leave its excrement on any public property, or upon the private property of another, unless the excrement is promptly and thoroughly removed from the property by the use of a removal device; provided, a person may fail to remove the excrement if entry on the private property of another for such purpose is prevented by the person owning or controlling the property.

(Ord. No. 2064, § 3.15, 12-11-2001)

Sec. 6-14. Confinement of animals; number of dogs and cats which may be kept.

- (a) In other than a permitted veterinary clinic or kennel, no person shall maintain more than three adult dogs and four adult cats in the city. Animals born on the premises to a legally confined pet may remain thereon until four months of age, after which they shall be considered adult dogs or cats.
- (b) All dogs kept in the city must be licensed in accordance with state law and county ordinances.
- (c) All cats kept in the city must be licensed in accordance with this ordinance.
- (d) All animals shall be confined in a pen or inside the dwelling, under conditions which are sanitary, safe and secure. Any pen utilized for the outdoor confinement

of a dog shall be of sturdy and secure construction designed to prevent the escape of the dog.

(e) No female animal in heat shall be confined in a place where other animals may have access or a nuisance may be created.

(f) Any dog which habitually barks shall be kept inside the dwelling.

(Ord. No. 2064, § 3.10, 12-11-2001)

Sec. 6-15. Dangerous dogs; confinement and handling; number.

(a) All dangerous dogs, including pit bulls and other dogs meeting the definition of a dangerous animal, shall be especially confined and treated as follows:

(1) *Leash and muzzle.* No person shall permit a pit bull or dangerous dog to go outside its kennel or pen unless it is securely leashed with a leash no longer than four feet in length. No such dog shall be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such dogs may not be leashed or tied to inanimate objects. Any such dog on a leash outside its kennel or pen must be muzzled by a muzzling device sufficient to prevent the dog from biting persons or other animals.

(2) *Confinement.* All pit bulls and dangerous dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed, muzzled and controlled as provided in subsection (a)(1) of this section. Such pen, kennel or structure must have secured sides and a secured top attached to the sides. All structures used to confine pit bulls or dangerous dogs must be locked with a key or combination lock when such animals are within the structure. The structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two feet from the grade. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.

(3) *Confinement indoors.* No pit bulls or dangerous dog may be kept on a porch, patio, or any part of a house or structure that would allow the dog to exit such a building. No such animal may be kept in a house or structure when the windows or screen doors are the only obstacle preventing it from exiting.

(4) *Signs.* All owners or handlers of pit bulls or dangerous dogs within the city shall display in a prominent place on the premises and on the pen or kennel a sign stating the words "Beware of Dog." The letters shall be at least three inches in height.

(5) *Insurance.* All owners or handlers of pit bulls or dangerous dogs must obtain public liability insurance in a single incident amount of at least \$50,000.00 for bodily injury, death or property damage resulting from the ownership, keeping or maintenance of such animal.

(6) *Number.* No more than one dog of the breed or description determined by this chapter to be dangerous shall be kept on any premises in the city.

- (b) Violations of the requirements of the provisions in subsection (a) of this section concerning dangerous dogs and pit bull dogs shall carry special penalties set forth in this chapter.

(Ord. No. 2064, § 3.11, 12-11-2001)

Sec. 6-16. Other dangerous animals; confinement.

- (a) All other dangerous animals besides dogs shall be kept and confined in completely secure cages or containers which allow no access by any persons except by unlocking such cages or containers for the feeding of the animal. Such dangerous animals shall be confined so that there is no access to any other animal or humans by the animals.
- (b) No lions, tigers, leopards, panthers, bears, wolves or wolf hybrids, apes, gorillas, monkeys in excess of 20 pounds, elephants, alligators, crocodiles, or poisonous or constrictor snakes shall be kept in the city, except in a licensed zoo.

(Ord. No. 2064, § 3.12, 12-11-2001)

Sec. 6-17. Livestock and poultry.

- (a) No livestock shall be kept permanently or temporarily in any district in the city unless affiliated with a stable, pen, cage or other livestock confinement facility which meets the requirements of all applicable laws, ordinances or regulations and the best management practices of the local cooperative extension office. Livestock and poultry pens, stables, cages or other confinement shall be adequately maintained in a healthful, sanitary and safe manner for the type of livestock. No livestock shall be kept in the city nor any stable or pen, cage or other livestock confinement shall be erected or maintained in violation of the zoning ordinance. No stable or containing building shall be closer to any dwelling than 25 feet.
- (b) No live poultry shall be kept in the city except in a commercial establishment legally licensed and zoned therefor, except that one pet may be kept in a pen or confinement which is at least 25 feet from any dwelling.
- (c) No more than two rabbits shall be kept on any premises in the city, except in a commercial establishment licensed and zoned therefor. The two rabbits which may be kept at other premises shall be in a pen located at least 25 feet from any dwelling and constructed and maintained in accordance with standards published in the industry or by a 4-H organization.
- (d) No wild animal shall be kept permanently or temporarily in the city unless affiliated with a transient circus or carnival having all required permits to operate in the city, or a licensed zoo.

(Ord. No. 2064, § 3.4, 12-11-2001)

State law reference(s)--Livestock at large, MCL 433.51 et seq.